

CHAPTER 9

SECTION 8.1A

ELIGIBILITY REQUIREMENTS FOR DEPENDENT CHILD

Issue Date: September 9, 1993

Authority: [32 CFR 199.3](#), Title 10 U.S.C., Public Laws, 99-661 and 102-484

I. ISSUE

When is an individual eligible to qualify as a dependent child?

II. BACKGROUND

This section incorporates the dependent child eligibility requirements from DoD 6010.8-R, Chapter 3, Title 10 U.S.C., and adds provisions in the Defense Authorization Acts for 1987 (Public Law 99-661) and 1993 (Public Law 102-484).

III. POLICY

A. A dependent child is an unmarried child, of a member (i.e., active duty member), or former member (i.e., retiree, deceased member, deceased retiree, certain deceased reservists (see [Section 10.1C](#)) who has not reached his or her 21st birthday and who bears one of the following relationships to a member or former member of one of the Uniformed Services:

1. A legitimate child.
2. An adopted child whose adoption has been legally completed on or before the child's 21st birthday.
3. A legitimate stepchild.
4. An illegitimate child of a member or former member whose paternity/maternality has been determined judicially, and the member or former member directed to support the child.
5. An illegitimate child of a member or former member whose paternity/maternality has not been determined judicially, who resides with or in the home provided by the member or former member, and is, and continues to be dependent upon the member or former member for over one-half of his or her support, or who was so dependent on the former member at the time of the former member's death.

6. An illegitimate child of a spouse of a member who resides with or in a home provided by the member and is, and continues to be dependent upon the member for over one-half of his or her support.

7. An illegitimate child of a spouse of a former member who resides with or in a home provided by a former member, or the former member's spouse at the time of death of the former member, and is, or continues to be, or was so, dependent upon the former member for more than one-half of his or her support at the time of death.

B. Other individuals who fall into one of the following classes may also qualify for benefits as a dependent child are:

1. A student. A child determined to be a member of one of the classes in paragraphs A.1. through A.7. above, who is not married, has passed his or her 21st birthday but has not passed his or her 23rd birthday, is dependent upon the member or former member for over 50 percent of his or her support or was dependent upon the member or former member for over 50 percent of his or her support on the date of the member's or former member's death, and is pursuing a full-time course of education in an institution of higher learning approved by the Secretary of Defense or the Department of Education (as appropriate) or by a state agency under 38 U.S.C., Chapters 34 and 35.

NOTE: Courses of education offered by institutions listed in the "Education Directory," "Higher Education" or "Accredited Higher Institutions" issued periodically by the Department of Education meet the criteria approved by the Administering Secretary or the Secretary of Education. For determination of approval of courses offered by a foreign institution, by an institution not listed in either of the above directories, or by an institution not approved by a state agency pursuant to Chapters 34 and 35 of 38 U.S.C., a statement may be obtained from the Department of Education, Washington, D.C. 20202.

2. An incapacitated child. See [Section 8.1C](#) of this chapter for specific requirements necessary to qualify as an incapacitated child.

3. A child of a deceased reservist. See [Section 10.1C](#) of this chapter for specific requirements necessary to qualify as a child of a deceased reservist.

4. A child placed in legal custody of a member or former member. See [Section 10.1D](#) of this chapter for specific requirements necessary to qualify as a ward.

POLICY CONSIDERATIONS

A. For circumstances which may result in a dependent child losing eligibility, see [Chapter 9, Section 12.1](#).

B. The contractor is responsible for verification of TRICARE/CHAMPUS eligibility in accord with [OPM Part Two, Chapter 1, Section IV](#).

C. The contractor is also responsible for any additional or distinctive TRICARE/CHAMPUS eligibility verification procedures related to a specific class of dependent child outlined in other sections of this chapter.

D. For TRICARE/CHAMPUS verification of eligibility requirements for children under the age of 10, see [Chapter 9, Section 8.1B](#).

E. For classes of children only eligible for CHAMPVA benefits, see [Chapter 9, Section 10.1A](#).

IV. EFFECTIVE DATE

A. Beginning dates of eligibility depend on the class to which the dependent child belongs and the date the dependent child became a member of the class. Individuals who become eligible after the eligibility date of their class attain eligibility on the date they become a member of the class.

B. Beginning dates of eligibility for each class of dependent child, excluding dependent children of certain deceased reservists, abused children, and incapacitated children are as follows:

1. Legitimate child, adopted child, or legitimate stepchild of a member, for:
 - a. Medical benefits authorized by the Dependents' Medical Care Act of 1956 (reference (a)), December 7, 1956;
 - b. Outpatient medical benefits under the Basic Program, October 1, 1966;
 - c. Inpatient medical benefits under the Basic Program and benefits under the Program for Persons with Disabilities (formerly known as Program for the Handicapped), January 1, 1967;
2. Legitimate child, adopted child or legitimate stepchild of former members, for:
 - a. For medical benefits under the Basic Program, January 1, 1967.
 - b. Ineligible for benefits under the Program for Persons with Disabilities.
3. Illegitimate child of a male or female member or former member whose paternity/maternity has been determined judicially and the member or former member has been directed to support the child, for:
 - a. All benefits for which otherwise entitled, August 31, 1972.
 - b. Program for Persons with Disabilities benefits limited to dependent children of members only, August 31, 1972.
4. Illegitimate child of:
 - a. A male member or former member whose paternity has not been determined judicially;
 - b. A female member or former member who resides with, or in a home provided by the member or former member, or who was residing in a home provided by the member

or former member at the time of the member's or former member's death, and who is or continues to be dependent on the member for over one-half of his or her support, or was so dependent on the member or former member at the time of death;

C. A spouse of a member or former member, who resides with or in a home provided by the member or former member, or the parent who is the spouse of the member or former member or was the spouse of a member or former member at the time of death, and who is and continues to be dependent upon the member or former member for over one half of his or her support, or was so dependent on the member or former member at the time of death for:

(1) All benefits for which otherwise eligible, January 1, 1969.

(2) Program for Persons with Disabilities limited to dependent children of members only, January 1, 1969.

5. Abused child: (see [Chapter 9, Section 10.1B](#) for beginning dates of eligibility and entitlements).

6. Children of certain deceased reservists: (see [Chapter 9, Section 10.1C](#) for beginning dates of eligibility and entitlements).

7. Incapacitated children: (see [Chapter 9, Section 8.1C](#) for beginning dates of eligibility and entitlements).

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